

Notice of Allowability

Application No.

09/831,121

Examiner

Hai Vo

Applicant(s)

DELMOTTE ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Pre-brief Conference request filed 04/19/2006.
2. ☒ The allowed claim(s) is/are 46-49,51-55,57-71,73,74,76-89 and 131-134.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20061004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ted J. Barthel on 10/04/2006.

The application has been amended as follows:

The claims:

Claim 46 (currently amended): An element comprising:

a support having a thickness and a face;

the face having at least two pores extending through the entire support thickness and spaced from one another to define a node spacing, ~~the at least two pores having a different diameter in the range of about 10 μ m to greater than about 20 μ m; one of the at least two pores having a diameter from about 10 μ m to about 20 μ m, the other pore having a diameter greater than about 20 μ m; and~~

a substantially fibrinogen-free non-hydrolyzed fibrin network in direct contact with the face and extending into each pore a distance from about 2 μ m to about 20 μ m.

Claim 57: line 1, delete "claim 56" and insert --claim 46--.

Claim 87: line 1, delete "claim 87" and insert --claim 84--.

Claim 131 (currently amended): A filter including a membrane element comprising:

a support having a thickness and a face;

the face having at least two pores extending through the entire support thickness and spaced from one another to define a node spacing, ~~the at least two pores having a different diameter in the range of about 10 μ m to greater than about 20 μ m; one of the at least two pores having a diameter from about 10 μ m to about 20 μ m, the other pore having a diameter greater than about 20 μ m;~~ and

a substantially fibrinogen-free non-hydrolyzed fibrin network in direct contact with the face and extending into each pore a distance from about 2 μ m to about 20 μ m.

Cancel claims 90-130.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: Note that Applicants' arguments and Examiner's amendment are sufficient to overcome the art rejections, the 112 claim rejections and sufficient to place the instant claims in condition for allowance. As pointed out by Applicants, none of the prior art taken individually or collectively teach or suggest a method that applies a suction force to the porous support to deliver fibrin-forming components into the small pores of the support at a controlled distance as set forth in the claims. Therefore, the prior art fails to teach or fairly suggest an element wherein a substantially fibrinogen-free non-hydrolyzed fibrin network in direct contact with the face and extending into each pore of the support a distance from about 2 μ m to about 20 μ m.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485.

The examiner can normally be reached on Monday through Thursday, from 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HV



**HAI VO
PRIMARY EXAMINER**